

STATE OF MAINE

Board of Overseers of the Bar  
Grievance Commission  
File No. 87-S-28

BOARD OF OVERSEERS OF THE BAR

v.

WARD T. HANSCOM

REPORT

By Petition dated December 14, 1987, Respondent was charged with violation of several Bar Rules arising out of his work in the probate of the Estate of Edith Keith Spaulding who died on May 10, 1980. The gravamen of the charges was that Respondent had neglected a legal matter entrusted to him. The Petition also charged misrepresentation grounded in the various unfulfilled assurances given by Respondent to the beneficiaries over many months and a violation of Rule 2(c) for Respondent's failure to cooperate in Bar Counsel's investigation of the matter.

On January 20, 1988, there was a hearing open to the public at the Probate Courtroom in the Cumberland County Courthouse in Portland. Three witnesses testified under oath including Respondent, one of the beneficiaries of the Estate and her husband; a number of exhibits were received in evidence without objection.

There was no material factual dispute. Respondent has candidly admitted what amounts to a pattern of egregious neglect in failing to attend to the distribution of the substantial assets of the Estate notwithstanding repeated inquiries by the Complainant. Respondent could offer no satisfactory explanation


for this protracted neglect and there is little point to belaboring the details. The record presents a clear violation of Bar Rule 3.6(a)(3). Respondent has made a number of statements to the general effect that he was working on the Estate and that he expected to conclude the work soon. These statements have been an integral part of the neglect but they do not furnish a basis for a separate finding of violation of Rule 3.2(f)(3). The record does not support a finding that these statements of intention or promises were knowingly false when made although it has become impossible to consider them reliable.

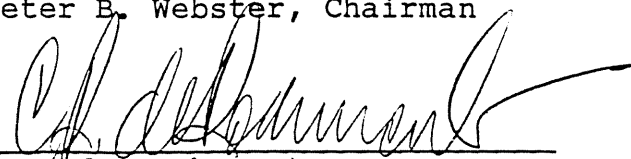
Finally, Respondent admitted that he failed to respond appropriately to Bar Counsel's inquiries and there is an admitted violation of Rule 2(c).

Under all the circumstances, the Panel finds probable cause for the filing of an information seeking Respondent's suspension or disbarment, and directs Bar Counsel to file such an information.

DATED:

January 27, 1988

  
Peter B. Webster, Chairman

  
C.R. de Rochemont

  
Gerald F. Petrucci